IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 1587 of 2004

and

WRIT PETITION No.5186 of 2004

WRIT APPEAL NO : 1587 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 09/09/2004 in WP NO : 5186 OF 2004 on the file of the High Court.)

Between:

K. Raghava Proprietor, M/s. Pratap Art Productions,
Road No.13, Filam Nagar Housing Cooperative Society,
Jubilee Hills, Hyderabad

..... APPELLANT

AND

1 Government of A.P., rep by its Secretary to Government (Poll),
General Administration (I&PR) Department, Secretariat,
Hyderabad
2 Andhra Pradesh State Film Television & Theatre Development
Corporation Ltd., (State Government Undertaking)
10-2-1, FDC Complex A.C. Guards, Hyderabad
rep by Managing Director

.....RESPONDENTS

Counsel for the Appellant: MR.P.PURUSHOTHAM REDDY

Counsel for the Respondent No.1: GP FOR GENERAL ADMINISTRATION

Counsel for the Respondent No.2: Mr. A.K. JAYAPRAKASH RAO

WRIT PETITION NO : 5186 of 2004

Between:

K. Raghava, Proprietor,

M/s. Prataqp Art Productions,
Road No.13, Film Nagar Housing Cooperative Society,
Jubliee Hills, Hyderabad.

..... PETITIONER

AND

1 Government of A.P. rep., by its Secretary to Government [Poll],
General Administration [I & PR] Department,
Secretariat, Hyderabad.
2 Andhra Pradesh State Film Television & Theatre Development
Corporation Limited, [A State Government undertaking]
10-2-1, FDC Complex, A.C.Guards, Hyderabad
rep., by its Managing Director.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or writ more particularly one in the nature of Writ of Mandamus, declaring the Order contained in G.O.Ms.No.158, General Administration [I&PR] Department, dated 22.5.2003, issued by the 1st respondent, permitting the 2nd respondent to recover an amount of Rs.9,74,635-21 paise along with interest till the date of repayment towards final settlement of loan amount under OTS Scheme, though already settled finally, as illegal, arbitrary, unjust, unreasonable, opposed to the Principles of Natural Justice, discriminatory and violative of fundamental rights guaranteed under the Constitution of India and set aside the same while declaring that the Petitioner is not liable to pay any amount.

Counsel for the Petitioner:MR.G.ANANDAM

Counsel for the Respondent No.1: GP FOR GENERAL ADMINISTRATION

Counsel for the Respondent No.2: Mr. A.K. JAYAPRAKASH RAO

The Court made the following JUDGMENT:

JUDGMENT: (Per Hon'ble Sri B.Sudershan Reddy, J)

We are not inclined to interfere with the discretionary order passed by the learned single Judge. This Court normally does not exercise its appellate jurisdiction to correct such discretionary order as the one under appeal.

Sri C. Malla Reddy, learned senior counsel appearing on behalf of the appellant, however, submitted that the writ petition itself may be disposed of directing the respondent herein to consider the detailed representation filed or to be filed by the appellant herein.

We find no reason not to accept the submission made by the learned senior counsel. The comprehensive representation stated to have been made or to be made by the appellant herein shall be considered by the Government and an appropriate decision thereon shall be taken, uninfluenced by the observations, if any, made by the learned single Judge while disposing the miscellaneous application. It shall always be open to the Government to revise its own decision if the circumstances so warrant.

Learned senior counsel also submitted that pending such representation, no coercive steps shall be taken as against the appellant for realization of the amounts. This request of the appellant also shall be duly taken into consideration by the respondents and decide for itself as to whether any coercive steps are required to be taken even while the representation was under consideration.

With the observations as above, the writ appeal shall stand dismissed and accordingly the writ petition is disposed of without any order as to costs.

B. Sudershan Reddy,J

K.C. Bhanu,J

Date: 14.10.2004

Note:

Furnish Copy of the order by 15.10.2004

(B/o.)

VA/PV

To

1 The Secretary to Government (Poll), Government of A.P., General Administration (I&PR) Department, Secretariat, Hyderabad

2 The Managing Director, Andhra Pradesh State Film Television & Theatre Development Corporation Ltd., (State Government Undertaking)10-2-1, FDC Complex A.C. Guards, Hyderabad

3 Two CCs to G.P for General Administration, High Court of A.P. Buildings, Hyderabad (OUT)

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